

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHARLES O'CAIN,) Case No. C06-0035-RSL-JPD
Plaintiff,)
v.) ORDER DENYING PLAINTIFF'S
RENTON POLICE DEPARTMENT, et al.,) MOTION FOR CONTINUANCE
Defendants.)

)

This matter comes before the Court upon plaintiff's motion for a continuance to conduct further discovery in order to oppose the defendants' respective motions for summary judgment. Dkt. No. 32. Plaintiff asserts that defendants refused to answer his first set of interrogatories. *Id.* Defendants Renggli and Guest filed an opposition to plaintiff's motion arguing that they are entitled to immunity from discovery until the Court makes a determination on the issue of qualified immunity. Dkt. No. 34. Additionally, those defendants assert that "plaintiff has been supplied ample information to respond to defendants' motions." *Id.* Defendants King County and Manning did not file an opposition to plaintiff's motion. However, in both his answer and his motion for summary judgment, defendant Manning asserts that he is entitled to qualified immunity. Dkt. Nos. 21, 29.

Having reviewed the parties' papers and the balance of the record, the Court ORDERS as follows:

ORDER DENYING PLAINTIFF'S MOTION FOR
CONTINUANCE
PAGE -1

01 (1) Plaintiff's motion for continuance (Dkt. No. 32) is DENIED. The Supreme
02 Court has held that “[w]here the defendant seeks qualified immunity, a ruling on that issue
03 should be made early in the proceedings so that the costs and expenses of trial are avoided
04 where the defense is dispositive.” *Saucier v. Katz*, 533 U.S. 194, 200 (2001). Qualified
05 immunity is “immunity from suit rather than a mere defense to liability; and . . . it is effectively
06 lost if a case is erroneously permitted to go to trial.” *Id.* (internal quotation and citation
07 omitted). In this case, defendants are entitled to present their arguments for qualified immunity
08 at the summary-judgment stage of the proceedings.

09 (2) If this Court denies defendants' motions for summary judgment, it will provide
10 the parties with additional time to conduct discovery at that point.

11 (3) The Clerk is directed to send a copy of this Order to plaintiff, counsel for the
12 defendants, and to the Honorable Chief Judge Robert S. Lasnik.

13 DATED this 21st day of June, 2006.

14 
15 JAMES P. DONOHUE
16 United States Magistrate Judge